

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SALAM DANIEL,

Petitioner,

v.

Case Number 12-14548
Honorable David M. Lawson

REBECCA ADDUCI, Detroit District Director,
Immigrations and Customs Enforcement,

Respondent.

ORDER DENYING MOTION FOR CERTIFICATE OF APPEALABILITY

This case is before the Court on petitioner Salam Daniel's motion for a certificate of appealability filed November 26, 2012 [dkt. #10]. Daniel filed his petition for a writ of habeas corpus, asking the Court to order his expedited release from the custody of Immigrations and Customs Enforcement. The Court found that it lacked jurisdiction to review any claims challenging Daniel's final order of deportation; that the period for which he had been detained pending deportation was presumptively reasonable under applicable statutes and case law; and that his claims regarding the conditions of his confinement while in ICE custody must be brought in a civil complaint under 42 U.S.C. § 1983, and were not proper subjects for review in a habeas petition. On the same day that it ordered the petition dismissed, the Court also entered an order denying a certificate of appealability [dkt. #9]. Contrary to the petitioner's argument in his motion, the Court had received and did review all of the petitioner's prior filings in support of his claims, and it did so before entering its final order dismissing the case. The Court has now reviewed the present motion, finds that the petitioner has shown no grounds to reconsider its previous order denying a certificate of appealability, and therefore will deny the motion, for the reasons stated in that order.

Accordingly, it is **ORDERED** that the petitioner's motion for a certificate of appealability [dkt. #10] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: November 26, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 26, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL